IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8318 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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GULAM MOHIUDDIN U MALEK - Petitioner(s)
Versus
MODASA NAGARPALIKA & 1 - Respondent(s)

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Appearance :
MR SA DESAI for Petitioner(s) : 1,
MR NILESH A PANDYA for Respondent(s) : 1,
MR ASHOK N PARMAR for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 29/03/2007

ORAL JUDGMENT

1. By way of this petition, under Article 226 of the Constitution of India, the petitioner who was serving as a daily wager, has prayed for an appropriate direction or order directing the respondent- Nagarpalika,

to appoint him on regular post in keeping with the directions of the Hon'ble Court in Special Civil Application No. 3220 of 1993.

2. It is required to be noted that by judgment and order dated 04.04.1994 passed by this Court in Special Civil Application No. 3220 of 1993, this Court has never directed the respondent to appoint the petitioner and similar situated daily wagers on regular posts. On the contrary, the order dated 03.03.1993 passed by the Collector, Sabarkantha setting aside the Resolution No. 72 dated 17.10.1992, by which some daily wagers straightway were to be appointed on regular basis without following the rules, has been confirmed. Only observation made by the learned Single Judge in the said order is to maintain seniority of daily wagers and to make appointment in accordance with Rules and if seniority is the criteria, it will be considered in respect of all including the parties to the said Special Civil Application. Thus, by judgment and award dated 04.04.1994 passed by this Court in Special Civil Application No. 3220 of 1993, there was no direction to appoint the petitioner and similar situated daily wagers on regular post.

3. Under the circumstances, contention on behalf of the petitioner to appoint the petitioner on regular post, considering the directions in Special Civil Application No. 3220 of 1993, cannot be granted.

4. For the reasons stated above, the petition fails. Rule discharged. However, there shall be no order as to costs.

[M.R.Shah, J.]

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